

**THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE AND CANNABIS BOARD**

In the Matter of:)	
)	
Unknown Entity)	Case No.: 24-ULC-00004
t/a Smoke Island)	License No.: N/A
)	Order No.: 2024-919
Cease and Desist)	
)	
at premises)	
1326 Wisconsin Avenue, N.W.)	
Washington, D.C. 20007)	

BEFORE: Donovan Anderson, Chairperson
Silas Grant, Jr., Member
Teri Janine Quinn, Member
Ryan Jones, Member
David Meadows, Member

PARTIES: Unknown Entity t/a Smoke Island, Respondent

Meredith Kinner, Esq., Counsel, on behalf of the Respondent

Andrew J. Lavin, Esq., Counsel, on behalf of the Landlord Respondent

ORDER AFFIRMING CEASE AND DESIST BOARD ORDERS

On July 3, 2024, the Alcoholic Beverage and Cannabis Board reviewed compelling evidence that Unknown Entity t/a Smoke Island (Unlicensed Business), Mohammed Aljoumari (Owner), and Margaret D. Grove, and Charles W. Davis (Landlords), engaged in violation of Chapter 16B of Title 7 of the D.C. Official Code at location, 1326 Wisconsin Avenue, N.W., Washington, D.C. 20007. In light of this illegal activity, the parties were ordered to cease and desist the illegal purchase, sale, exchange, delivery, or any other form of commercial transaction involving cannabis immediately. Board Order No. 2024-475 was issued to this effect and a modification, Board Order No. 2024-611, was issued on September 4, 2024 to include the Landlord Respondents. On December 2, 2024, the Respondents filed a joint petition requesting that the Board vacates the Cease and Desist Board Orders and dismiss any related action because the parties have entered an agreement to terminate the tenancy. Having reviewed the arguments, the Board denies the request.

Per § 7-1671.12a(a) of Chapter 16B of Title 7 of the D.C. Official Code, “If the ABC Board, after investigation but before a hearing, has cause to believe that a person is violating a provision of this chapter and the violation has caused or may cause, immediate and irreparable harm to the public, the ABC Board may issue an order requiring the alleged violator to cease and desist immediately from the violation.” D.C. Code § 7-1671.12a(a). Subsection (b)(1) states, “The alleged violator may, within 15 days after the service of the order, submit a written request to the ABC Board to hold a hearing on the alleged violation” and subsection (c)(1) states, “The alleged violator may, within 10 days after the service of an order, submit a written request to the ABC Board for an expedited hearing on the alleged violation.” D.C. Code §§ 7-1671.12a(b)(1), (c)(1). Furthermore, subsection (d) states, “If a request for a hearing is not timely made under subsection (b) or (c) of this section, the order of the ABC Board shall be final. D.C. Code § 7-1671.12a(d).

To date, the Respondents have not challenged the underlying facts that led to the cease and desist order. The Respondents argue that because the parties have entered into an agreement to terminate the tenancy contract between the parties and the Landlord Respondent has agreed to change the locks and codes to access the premises, the Board should vacate the cease and desist Board Orders. However, these facts are not sufficient to merit the lifting of the Order. The purpose of the cease and desist order is to put the parties on notice that a future enforcement action in Superior Court may occur if the illegal activity continues. Moreover, as it is just notice to end illegal activity and only requires the cessation of illegal activity, there is no harm in maintaining the order. Finally, the Board and the District has an interest in these parties not resuming illegal cannabis activity, allowing a third party to engage in cannabis activity at the location, or the landlord not being vigilant in monitoring any future tenants for illegal activity.

For these reasons, the Board denies the request to vacate the cease and desist order.

ORDER

Therefore, the Board on this 11th day of December 2024, hereby **AFFIRMS** the cease and desist described in Board Order Nos. 2022-475 and 2024-611. ABCA shall provide this Order to the Respondents.

District of Columbia
Alcoholic Beverage and Cannabis Board

eSigned via SeamlessDocs.com
Donovan Anderson
Key: ac430b96c9d5f0e4b730093d1dccc8

Donovan Anderson, Chairperson



Silas Grant, Jr., Member

Teri Janine Quinn

Teri Janine Quinn, Member



Ryan Jones, Member



David Meadows, Member

Pursuant to D.C. Official Code § 7-1671.12a(b)(1), “[t]he alleged violator [or violators] may, within 15 days after the service of the order, submit a written request to the ABC Board to hold a hearing on the alleged violation.” D.C. Code § 7-1671.12a(b)(1). Upon receipt of the request, the Board will provide the requestor with a “a hearing in accordance with the procedures set forth in Chapter 5 of Title 2” to challenge the cease and desist and the Board shall “issue a decision within 90 days after the hearing.” D.C. Code § 7-1671.12a(b)(2).

The requestor may also request an expedited hearing if they submit a written request “within 10 days after the service of an order” and “request [that] the ABC Board [hold] an expedited hearing on the alleged violation.” D.C. Code § 7-1671.12a(c)(1). If a timely request for an expedited hearing is made, the “Board shall conduct a hearing within 10 days after the date of receiving the request and shall deliver to the alleged violator at their last known address a written notice of the hearing by any means guaranteed to be received at least 5 days before the hearing date.” D.C. Code § 7-1671.12a(c)(2). After the expedited hearing, the Board shall issue a decision within 30 days. D.C. Code § 7-1671.12a(c)(3).

Please note that the failure to request a hearing shall result in the order being deemed final. Please further note that if you fail to comply with the order of the Board, the Board may file a petition

against you with the Superior Court of the District of Columbia and seek compliance by judicial order in addition to other enforcement actions permitted by law. D.C. Code § 7-1671.12a(f)(3).

If you request a hearing, you may appear at the virtual hearing unless other instructions to appear are provided, and you and the establishment, may be represented by legal counsel. You have the right to produce witnesses and evidence on your behalf and to cross-examine witnesses. You may examine evidence produced.

All hearings are conducted in the English language. If you, any corporate officer, or any witnesses to be called are deaf, have a hearing impediment, or cannot readily understand or communicate the spoken English language, an application may be made to the Board for the appointment of a qualified interpreter.

Your failure to appear at the time and place set for the hearing, if requested, either in person or through counsel, or both, will not preclude the Board from proceeding in this matter. Should you have any questions, contact ABRA Adjudication Specialist Danette Walker at 202-442-4418.

Finally, pursuant to section 11 of the District of Columbia Administrative Procedure Act, Pub. L. 90-614, 82 Stat. 1209, D.C. Code § 2-510 (2001), and Rule 15 of the District of Columbia Court of Appeals, any party adversely affected has the right to appeal this Order by filing a petition for review, within thirty (30) days of the date of service of this Order, with the District of Columbia Court of Appeals, 430 E Street, N.W., Washington, D.C. 20001. However, the timely filing of a Motion for Reconsideration stays the time for filing a petition for review in the District of Columbia Court of Appeals until the Board rules on the motion. *See* D.C. App. Rule 15(b) (2004).